

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jay M. SHORT

Application No.: 09/777,566

Filed: February 5, 2001

For: PHYTASE EXPRESSION SYSTEMS AND
METHODS OF MAKING AND USING THEM
(AS AMENDED)

Confirmation No.: 4776

Art Unit: 1652

Examiner: Delia M. Ramirez, Ph.D.

**NOTIFICATION OF LOSS OF ENTITLEMENT
TO SMALL ENTITY STATUS UNDER 37 CFR § 1.28(c)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Diversa Corporation, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity and the claim for small entity status filed by Applicant is hereby withdrawn.

Following is a chart showing the fees as paid and the deficiency owed, and Applicant encloses herewith Fee Transmittal SB/17 in payment of the additional fees due.

Type of Fee	Fees Paid	Large Entity Fee	Deficiency Owed
Supplemental IDS	\$180.00	\$180.00	.00
3rd RCE	\$395.00	\$790.00	\$395.00
2 Month Extension	\$225.00	\$450.00	\$225.00
Notice of Appeal	\$250.00	\$500.00	\$250.00

Add'l. Independent Claims	\$900.00	\$1,800.00	\$900.00
IDS	\$180.00	\$180.00	.00
One Month Extension	\$60.00	\$120.00	\$60.00
2nd RCE	\$395.00	\$790.00	\$395.00
Add'l. Claim Fees	\$50.00	\$100.00	\$50.00
Statutory Disclaimer	\$65.00	\$130.00	\$65.00
Independent Claims	\$220.00	\$1000.00	\$780.00
Excess Claims	\$387.00	\$2150.00	\$1763.00
Two Month Extension	\$215.00	\$450.00	\$235.00
Supplemental IDS	\$180.00	\$180.00	.00
Add'l. Independent Claims	\$516.00	\$2400.00	\$1884.00
Excess Claims	\$108.00	\$600.00	\$492.00
RCE	\$395.00	\$790.00	\$395.00
Multiple Dependant Claims	\$145.00	\$360.00	\$215.00
Add'l. Independent Claims	\$129.00	\$600.00	\$471.00
Excess Claims	\$144.00	\$800.00	\$656.00
Ext. of Time (2 mos.)	\$210.00	\$450.00	\$240.00
Basic Filing Fee	\$355.00	\$790.00	\$435.00
Total Fees Due:			9,906.00

Please charge **Deposit Account No. 03-1952** in the amount of \$9,906.00, referencing docket no. 564462001802

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.564462001802.

Dated: May 10, 2007

Respectfully submitted,

By_/Gregory P. Einhorn/_____
Gregory P. Einhorn
Registration No.: 38,440
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5112